IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: John C. Lynch et al.   Examiner: Gerezgiher, Yemane M.
Serial No. 09/672,821   Art Unit: 2144
Filed: 09/29/2000
For: **MEDIA GATEWAY CONNECTION INFORMATION RECOVERY**

Mail Stop Appeal Brief – Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The present **REPLY BRIEF** is filed in response to the Examiner's Answer mailed July 27, 2007. If any fees are required in association with this reply brief, the Director is hereby authorized to charge them to Deposit Account 50-1732, and consider this a petition therefor.

REPLY BRIEF

A. Introduction

The Appellants respectfully submit that claims 1-23 are patentable over the cited references. More specifically, none of the cited references, either alone or in combination, disclose or suggest all the features recited in the pending claims.

B. Argument

Claims 1, 6-15, 17-20, and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number 6,205,557 B1 to *Chong et al.* (hereinafter "*Chong*") in view of U.S. Patent No. 5,430,709 to *Galloway* (hereinafter "*Galloway*") and further in view of U.S. Patent Number 5,812,748 to *Ohran et al.* (hereinafter "*Ohran*"). The Appellants respectfully traverse the rejection.

According to Chapter 2143.03 of the M.P.E.P., in order to "establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." The Appellants submit that none of the references, either alone or in combination, disclose or suggest all the features recited in claims 1, 6-15, 17-20, and 22. More specifically, claim 1 recites a method of maintaining a record of an active media connection at a backup call server comprising, among other features, "sending a request, from the backup call server, to a media gateway, for information regarding said active media connection." Claims 12-14 and 22 include similar features. The Appellants respectfully submit that none of the references, either alone or in combination, discloses or suggests a backup call server which sends a request to a media gateway for information regarding an active media connection. In the Examiner's Answer, the Patent Office agrees that neither *Chong* nor *Galloway* discloses that a request originates from a back-up server, as recited in the claims.[1] Nevertheless, the Patent Office asserts that *Ohran* discloses a backup server which initiates a request to receive information about call information.[2] The Appellants respectfully disagree. The Patent Office has misinterpreted *Ohran*. In particular, *Ohran* mentions nothing about calls or call information. Therefore, it would be impossible for *Ohran* to disclose or suggest that a backup server requests information about call information.

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[1] *See* Examiner's Answer, page 11.
[2] *See* Examiner's Answer, page 11.

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In addition, even assuming *arguendo* that *Ohran* somehow did disclose call information and that the backup server sends a request for information regarding an active media connection, the backup server still does not send the request to a media gateway. Instead, according to *Ohran*, the backup server runs a mass storage access program which communicates with a plurality of mass storage emulators.[3] Therefore, the backup server is sending the request to the devices for which the backup server provides redundancy, not a media gateway or any type of device which acts as a translation unit between disparate telecommunications.

Furthermore, the Patent Office goes on to state that in telephony communication systems, it is commonly known that call records are maintained for several reasons where a phone system includes a primary call server and a warm standby secondary call server.[4] However, the systems described in the Examiner's Answer are passive systems. More specifically, information is periodically sent to the standby secondary call server. In contrast, the present claims recite the exact opposite. Particularly, the present claims recite an active system where the backup call server actively requests information pertaining to active media connections. Additionally, as evidenced by the references cited by the Patent Office, the standby call servers receive information from the servers they are backing up, not from a media gateway.

The Patent Office also alleges that the Appellants are attacking the references individually in a rejection of the combined teachings of *Chong*, *Galloway*, and *Ohran*.[5] The Appellants respectfully disagree. The Appellants are not attacking the references individually. Instead, the Appellants are merely addressing the rejections raised by the Patent Office. As previously mentioned, the Patent Office capitulates that neither *Chong* nor *Galloway* discloses the backup call server as recited in the pending claims. Thus, the Patent Office alleges that *Ohran* discloses a backup call server which initiates a request to receive information about call information. The Appellants are merely countering the rejection from the Patent Office, i.e., the allegation that *Ohran* discloses a backup call server as recited in the claims. Accordingly, for at least these reasons, the Appellants submit that claims 1, 12-14, and 22 are patentable over the cited references. Similarly, claims 6-10 and 17-19, which ultimately depend from claims 1 or 15, are patentable over the cited references for at least the same reasons along with the novel features recited therein.

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[3] *See Ohran*, col. 4, lines 40-46.
[4] *See* Examiner's Answer, page 11.
[5] *See* Examiner's Answer, page 12.

Claim 15 recites a method of providing a record of an active media connection at a media gateway which comprises, among other features, "receiving, from a backup call server, a request for information regarding said active media connection." As detailed above, in spite of the arguments proffered in the Examiner's Answer, none of the references, either alone or in combination, disclose or suggest a backup call server which sends a request to a media gateway for information regarding an active media connection. Thus, claim 15 is patentable over the cited references.

Claims 21 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,724,747 B1 to *Arango et al.* (hereinafter "*Arango*") in view of *Ohran*. The Appellants respectfully traverse the rejection.

Claim 21 recites a first media gateway comprising, among other features, a processor operable to "receive, from a backup call server, a request for information regarding said media flow." The Appellants submit that neither *Arango* nor *Ohran* discloses the feature of receiving a request for information regarding a media flow from a backup call server. As correctly pointed out by the Patent Office, *Arango* does not disclose this feature.[6] Likewise, as outlined above, *Ohran* does not disclose or suggest that a backup call server sends a request to a media gateway for information regarding a media flow. As such, claim 21 is patentable over *Arango* and *Ohran*.

Claim 23 recites a backup call server which is operable to "send a request, to said media gateway, for information regarding an active media connection terminated at said primary server." As detailed above, none of the references, either alone or in combination, disclose or suggest a backup call server which sends a request to a media gateway for information regarding an active media connection. Thus, claim 23 is patentable over the cited references.
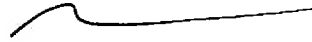
C. Conclusion

As detailed above, none of the cited references, either singularly or in combination, disclose or suggest all the features recited in claims 1-23. Specifically, none of the cited references disclose or suggest a backup call server which requests information regarding an active media connection. Therefore, the pending claims are patentable over the cited references.

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[6] *See* Final Office Action mailed October 18, 2006, p. 12.

Respectfully submitted,

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